

E. Remarks

Status of the Claims

Claims 1 – 35 are pending. Claims 1, 2, 8, 12, 14, 17, 18, 21, 25 – 27, 30, and 33 – 35 have been amended.

Drawing Objections

The drawing Figure 12B was objected to due to the presence of a duplicate reference numeral “386”. The figure has been amended to change the first occurrence to “366” consistent with the ordering of the surrounding numerals and, further, with the plainly evident substance of the specification at ¶115. Withdrawal of the objection is respectfully requested.

Specification Objections

The specification, at ¶84, has been amended to correct the clerical error resulting in the mis-identification of the file system element by the numeral “36”. The numeral has been amended to “34” to be consistent with other references to the file system element in the specification.

The specification at ¶50 has been amended to qualify the identification of the “Intel® E7500 chipset 52” to read as the “Intel® E7500 system control hub chipset 52” merely for purposes of clarity. The “Intel® E7500 chipset” is well-understood by those of skill in the art to be a system control hub. Further, the mutual identification by the reference numeral 52 in the specification and drawings as originally filed makes clear the correspondence between the “system control hub” and “chipset 52”. Accordingly, no new matter has been added by this amendment.

An objection is made to the use of the reference label “Auth File System” for the element 34 in Figure 5 in contrast to the use of the phrase “modified file system 34” in the specification at ¶45. The reference numeral 34 is associated with the “file system” element, which is clearly described in the specification as “modified” to provide for the “selective

authentication processing of file system requests directed to the network storage resources 16, including through network servers 26" (emphasis added). No ambiguity can be discerned under any reasonable reading of the relevant sentence in ¶145. The reason for the objection is therefore unclear. Clarification is respectfully requested.

An objection is made to the use of the reference numeral "180" with both "a policy parser" and "the policy parser." The articles "a" and "the," under any reasonable grammatical construction, cannot be the source of any ambiguity in the specification regarding the element identified as the "policy parser 180." The reason for the objection is therefore unclear. Clarification is respectfully requested.

The specification at ¶115 has been amended to change the first occurrence of the reference numeral "386" to "366". The substance of the specification, at the point of the amendment, makes clear the association of the process step described ("compliance failures being reported") with the process step shown in Figure 12B ("Report Policy Failures"). Accordingly, no new matter has been added by this amendment.

Applicants respectfully request withdrawal of the objections directed to the specification.

Claim Objections

Claim 12 stands rejected as having insufficient antecedent basis for the claim phrase "the generation of a modified file request." Given that the reason for the asserted lack of antecedent basis is not given in the Action, Applicants' are left to guess that the concern is with use of the article "the" in the phrase "said network appliance enables the generation of a modified file request." However, the article is not directly identifying an element of the claim and therefore does not imply prior basis. For clarity, Claim 12 has been amended to simply remove the article. If Applicants have misapprehended the nature of the objection, clarification is requested.

Claim 27 has been amended to provide proper antecedent basis for the "said specification of said predetermined file operation request."

In view of the amendments made, Applicants respectfully request withdrawal of the objections made to the claims.

Double Patenting Rejection

A terminal disclaimer complying with the requirements of 37 C.F.R. §1.321© is filed herewith. Accordingly, reconsideration of the non-statutory double patenting rejection is respectfully requested.

Rejections under 35 U.S.C. §102:

Claims 1 – 35 stand rejected as anticipated by Graham (US Publication 2002/0178271).

In order to establish a rejection under 35 U.S.C. §102, all elements of a claim must be identically found in a prior art reference. See, M.P.E.P. §706.02 (For anticipation under 35 U.S.C. 102, the reference must teach every aspect of the claimed invention either explicitly or impliedly. Any feature not directly taught must be inherently present) (emphasis added); M.P.E.P. §2112 (In relying upon the theory of inherency, the Examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied prior art. Ex parte Levy, 17 USPQ2d 1461, 1464 (Bd. Pat. App. & Inter. 1990) (emphasis in original); M.P.E.P. §2131.

The essential nature of anticipatory identity requires that the function of the elements and their interconnections not just be colorably similar, but identical in all aspects (emphasis added). See, Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913,

1920 (Fed. Cir. 1989) (The identical invention must be shown [by the reference] in as complete detail as is contained in the . . . claim). Clearly, a prior art reference that discloses a collection of elements that are assembled differently and that function collectively in a different or incomplete way compared to the claimed invention is not an anticipating reference.

Applicants respectfully assert that the claims, particularly as now amended, are not anticipated by Graham.

In summary, Graham teaches a purely unidirectional file-oriented content distribution system. The proxy server of Graham is taught as only supporting out-bound data transfer requests – the proxy operates as a content file server (¶165) and, on the client, only file requests are intercepted (¶141). Given that Graham only teaches the content distribution of “files” – content is specifically selected through a “file browsing process” (¶165, ¶139) – the minimum identifiable unit of content is at least implicitly taught as being nothing less than a file. The HTTP content transfer protocol, a simple file oriented continuous stream transfer protocol, is taught by Graham as fully sufficient for implementation of the disclosed proxy server and client receiver (¶241, ¶242). The content files are stored unencrypted in a NAS-dative file-system format (¶199). Each file, as encrypted, must be delivered for decryption in sequence (¶213), which reflects that each file is encrypted as a single entity. Therefore, the reasonably understood teaching of Graham is of a read-only, file at a time only content distribution system.

Claim 1:

Claim 1, as amended, emphasizes that the claim covers a system capable of “bidirectional” transfer of file data. Specifically, the claim requires that a “sub-portion” of a “predetermined file,” be selected based on a “non-sequential request” made an application executed on a client computer system. Further, Claim 1 requires that, where a “first sub-portion” is requested by the application, a “second predetermined sub-portion” is

read encrypted from the network data store. This second sub-portion is qualified as being “inclusive of said first predetermined sub-portion,” yet less than the full file, i.e., explicitly a “sub-portion.”

Further, the claimed “agent program” includes a “representation of said non-sequential request” as part of the authentication data used in determining whether the particular “non-sequential request” operation is permitted. Since the non-sequential request defines the data transfer direction, consistent with support for bidirectional transfer, the claimed selective enabling of the “performance of the non-sequential request” encompasses a differential determination based on whether the “non-sequential request” is a read or write operation.

Therefore, Graham, which discloses a read-only, file at a time only content distribution system does not identically teach the present invention as set forth in Claim 1. Applicants respectfully assert that Claim 1 is not anticipated by Graham. Reconsideration of the rejection of Claim 1 is requested.

Claims 2 – 7:

Claims 2 – 7 are dependent on Claim 1 and are, therefore, likewise not identically taught by Graham. Reconsideration of the rejection of Claims 2 – 7 is respectfully requested.

Claim 8:

Claim 8, similar to Claim 1, also requires a system capable of bidirectional transfer of file data between a client computer system and network data store. The claimed “agent program” is responsive to a “source file request” that is a “random read/write request specifying transfer of a first defined sub-portion of said source file.” The claim further requires performance of the source file request, as dependent on the authentication data, by transferring “from said network data store a second defined sub-portion of said source file inclusive of said first defined sub-portion of said source file.” Again, the “second defined

sub-portion" is less than the whole source file, yet inclusive, i.e., equal to or larger than the "first defined sub-portion."

Like Claim 1, Claim 8 also includes a "representation" of the request in the authentication data. The determination to allow performance of the source file request can therefore be dependent on whether the request is a read or write.

The system set forth in Claim 8 is therefore not identically taught by the read-only, file at a time only content distribution system of Graham. Applicants therefore respectfully assert that Claim 8 is not anticipated by Graham. Reconsideration of the rejection of Claim 8 is requested.

Claims 9 – 16:

Claims 9 – 16 are dependent on Claim 8 and are, for at least the reasons given in regard to Claim 8, not anticipated by Graham. Reconsideration of the rejection of Claims 9 – 16 is respectfully requested.

Claim 17:

Claim 17 specifies a method of securely reading and writing back a modified portion of a data file to a file data store. A "first program" intercepts a "data transfer request" that "specifies transfer of a first sub-portion of said data file" where the data transfer request is provided by a second application and directed to a "client accessible file data store." The step of "second processing" provides for "retrieving a second sub-portion of the data file" and then decrypting, modifying and re-encrypting the second sub-portion. The second sub-portion is then transferred back to the "data store for incorporation into said data file."

In contrast, the Graham system operates only as a read-only, file at a time only content distribution system. The secure bidirectional, sub-file portion capable data transfer system defined by the method of Claim 17 is not identically taught by Graham. Applicants therefore respectfully assert that Claim 17 is not anticipated by Graham. Reconsideration of the rejection of Claim 17 is requested.

Claims 18 – 24:

Claims 18 – 24 are dependent on Claim 17. For at least the same reasons given above in regard to Claim 17, Applicants respectfully assert that Claims 18 – 24 are not identically taught and, therefore, not anticipated by Graham. Reconsideration of the rejection of Claims 18 – 24 is requested.

Claim 25:

Claim 25 defines a method of securely transferring bidirectionally portions of files stored on a remote filesystem relative to a client computer system. Relative to a “file” stored encrypted on the remote filesystem, the authentication data is required to include a “representation of said predetermined file operation request” from which a “write operation permission” is considered in determining whether to “allow modification of said file as stored encrypted in said filesystem.”

Claim 25 further requires the step of

d) transferring predetermined encrypted blocks of file data representing a sub-portion of said file in response to said predetermined file operation request through a network connection where said predetermined encrypted blocks of file data are decrypted, modified, encrypted, and returned through said network connection for storage as part of said file.

Graham, however, teaches only a read-only, file at a time only distribution of content. Graham therefore does not identically teach the method steps set forth in Claim 25. Accordingly, Applicants respectfully assert that Claim 25 is not anticipated by Graham. Reconsideration of the rejection of Claim 25 is requested.

Claims 26 – 29:

Claims 26 – 29 are dependent on and define further process limitations relative to Claim 25. For at least the same reasons given regarding Claim 25, Applicants respectfully

assert that Claims 26 – 29 are not identically taught and, therefore, are not anticipated by Graham. Reconsideration of the rejection of Claims 26 – 29 is respectfully requested.

Claim 30:

Claim 30 explicitly defines a system where “an identified data file [is] stored encrypted” and remote, relative to a security appliance, and that can be accessed in response to “a random read/write file data transfer operation.” The claimed “processor” is operative to:

. . . selectively enable said random read/write file data transfer operation . . . to transfer an encrypted sub-portion of said identified data file through a network connection for remote decryption, modification and return through said network connection for storage as part of said identified data file.

The “access request message” identifies the specific requested file operation. The “policy data store” is used by the processor to determine the “file operation qualifiers” applicable to the file identified by the request. These qualifiers are then used to determine whether the processor will “selectively enable said random read/write file data transfer operation.” The “file operation qualifiers” therefore encompass a determination of whether either a read or write operation is permitted.

Again, Graham only teaches a read-only, file at a time only content distribution system. Graham clearly does not identically teach the system set forth in Claim 30. Applicants therefore respectfully assert that Claim 30 is not anticipated by Graham. Reconsideration of Claim 30 is requested.

Claims 31 – 35:

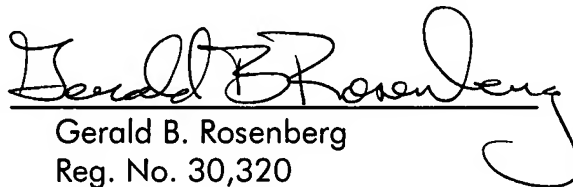
Claims 31 – 35, which are dependent on Claim 30, are not identically shown for the same reasons established above in regard to Claim 30. Applicants respectfully assert that Claims 31 – 35 are therefore not anticipated by Graham. Reconsideration of the rejection of Claims 31 – 35 is requested.

Conclusion:

In view of the above Amendments and Remarks, Applicants respectfully assert that Claims 1 – 35 are now properly in condition for allowance. The Examiner is respectfully requested to take action consistent therewith and pass this application on to issuance. The Examiner is respectfully requested to contact the Applicants' Attorney, at the telephone number provided below, in regard to any matter that the Examiner may identify that might be resolved through a teleconference with the Examiner.

Respectfully submitted,

Date: _____

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